

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALFRED MEYERS, INC.,

Plaintiff,

v.

D'ANNUNZIO & CO., LLC; D'ANNUNZIO
& CO., INC., D'ANNUNZIO
DISTRIBUTION, INC. and PHILART, INC.,

Defendants.

Civ. No.: 07-CV-3254 (KK)

Civil Action

RULE 7.1 STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for D'Annunzio & Co., LLC, D'Annunzio & Co., Inc., D'Annunzio Distribution, Inc. and Philart, Inc. (private non-governmental parties) certifies that the following are corporate parents, affiliates and/or subsidiaries of said parties:

NONE.

MANDELBAUM, SALSBURG, LAZRIS,
GOLD & DISCENZA, P.C.
Attorneys for Defendants

By: /s/ Michael A. Saffer
MICHAEL A. SAFFER, ESQ. (MS-2997)

DATED: August 24, 2007